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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,666	07/23/2001	Georg Koepff	10191/1893	6421

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EXAMINER	
NGUYEN, XUAN LAN T	
ART UNIT	**PAPER NUMBER**
3683	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,666	KOEPFF ET AL.	
	Examiner	Art Unit	
	Lan Nguyen	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2004* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo et al.

Re: claim 2, Kondo et al. show a method of controlling wheel brakes, as in the present invention, comprising: ECU 39 is generating control signals to control the wheel brakes 34 via valve 1. When there exist an electric failure, valve 11 is actuated to isolate accumulator 30 from pump 31. In column 7, lines 38-43, Kondo discloses the condition of an electrical failure as having no electrical power supplied to coil 3. It is the same conditioned as when coil 3 is not actuated as described in column 4, lines 61-66. When coil 3 is not actuated, the spring 8 is actuated to close off the fluid passage 12a isolating the pump 31 from the accumulator 30 as described in column 4, lines 14-17 and column 5, lines 11-15.

Re: claim 5, claim 5 further claims when in the fault condition, a speed of the motor vehicle is limited. This passage is broadly understood as the speed is limited because the vehicle is being braked whether in a normal braking condition or in an anti-skidding condition as described by Kondo in column 4, line 60 or column 5, line 17.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehringer in view of Maisch et al. and further in view of Weiberle et al. (DE 19826131 A1). Please note that USP 6,299,261 is the English equivalent of the cited DE 19826131 A1 document; and it is being relied upon for the following rejection.

Re: claim 1, Boehringer shows a method for controlling wheel brakes, as in the invention, comprising: generating control driving signals for the first group of valve arrangement 16 and a second group of valve arrangement 18; when a fault is detected (i.e. pressure falls below a threshold level, Abstract, lines 7 and 8), a power for an activation of the one of the valve arrangements originating from the second power circuit, Abstract, lines 8-12. Boehringer lacks a warning is generated to inform a driver of fault detection. Maisch et al. teach in column 5, line 25 that a warning is generated to inform a driver of fault detection in the form of warning light 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Boehringer's method to include a step of generating a warning to inform a driver of fault detection as taught by Maisch so that correction or maintenance can be performed on the vehicle to correct the default. Boehringer further lacks the speed being limited by an intervention of at least one of engine management and transmission

management. Weiberle et al. teach the concept of limiting the speed by an intervention of engine management, in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle. It would have been further obvious to one of ordinary skill in the art at the time the invention was made to have further modified Boehringer's method to include the step of limiting the speed by an intervention of engine management, as taught by Weiberle in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle.

Re: claims 3, 6 and 8, Boehringer shows in the Abstract, that the switching valves switch the control of the first axle to the second axle, and vice versa, depending on the location of the fault.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boehringer in view of Weiberle et al.

Boehringer shows a method for controlling wheel brakes, as in the invention, comprising: generating control driving signals for the first group of valve arrangement 16 and a second group of valve arrangement 18; when a fault is detected (i.e. pressure falls below a threshold level, Abstract, lines 7 and 8), a power for an activation of the one of the valve arrangements originating from the second power circuit, Abstract, lines 8-12. Claim 4 further claims when in the fault condition, a speed of the motor vehicle is limited. This passage is broadly understood as the speed is limited because the vehicle is being braked as described by Boehringer in column 4, lines 2-4. Boehringer lacks the speed being limited by an intervention of at least one of engine management and transmission management. Weiberle et al. teach the concept of limiting the speed by

an intervention of engine management, in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Boehringer's method to include the step of limiting the speed by an intervention of engine management, as taught by Weiberle in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. in view of Corio et al.

Kondo's method of controlling wheel brakes, as discussed in the rejection of claim 2, is silent of a step of controlling the front brakes by a control module of the rear brakes. Corio et al. teach the concept of having independent controllers BSCU1 and BSCU2 wherein the two controllers serve as a back up for the other in case of emergency. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have including a step of controlling the front brakes by a control module of the rear brakes in the method of Kondo in order to have a back-up to control the wheel brakes in case of emergency such as failure of one of the controllers as taught by Corio.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable by Corio et al. in view of Maisch et al. and further in view of Weiberle et al.

Corio et al. show a computer program stored on a memory configured to be executed by a computer, the computer program comprising program code for controlling wheel brakes in an electrical braking system of a motor vehicle in accordance with a

method, as in the present invention, comprising: a first and a second valve arrangements as left and right brakes; wherein the first and second valve arrangements having an independent power supply AC1, DC1 and AC2, DC2, respectively. From column 1, line 66 to column 2, line 5, Corio discloses that a power source ACess, DCess is from a parallel combination of AC1, DC1 and AC2, DC2 wherein this power source would be used in case of failure of either of the AC1, DC1 and AC2, DC2 sources. Corio further shows control units BSCU1 and BSCU2 as redundant control units capable of controlling either the first or the second valve arrangement. Note that the preamble has been treated broadly to be the same as Applicant, wherein Corio discloses BSCU1 and BSCU2 as digital brake control units; inherently, in order to accomplish the controlling, a computer program is in place to perform all the controlling tasks. Corio et al. lack a warning is generated to inform a driver of fault detection. Maisch et al. teach in column 5, line 25 that a warning is generated to inform a driver of fault detection in the form of warning light 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Corio's computer program to include a step of generating a warning to inform a driver of fault detection as taught by Maisch so that correction or maintenance can be performed on the vehicle to correct the fault. Corio further lacks the speed being limited by an intervention of at least one of engine management and transmission management. Weiberle et al. teach the concept of limiting the speed by an intervention of engine management, in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle. It would have been further obvious to one of ordinary skill in the art at the

time the invention was made to have further modified Corio's computer program to include the step of limiting the speed by an intervention of engine management, as taught by Weiberle in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by Corio et al. in view of Maisch et al. and further in view of Weiberle et al.

Corio et al. show a method for controlling wheel brakes, as in the present invention, comprising: a first and a second valve arrangements as left and right brakes; wherein the first and second valve arrangements having an independent power supply AC1, DC1 and AC2, DC2, respectively. From column 1, line 66 to column 2, line 5, Corio discloses that a power source ACess, DCess is from a parallel combination of AC1, DC1 and AC2, DC2 wherein this power source would be used in case of failure of either of the AC1, DC1 and AC2, DC2 sources. Corio further shows control units BSCU1 and BSCU2 as redundant control units capable of controlling either the first or the second valve arrangement. Corio et al. lack a warning is generated to inform a driver of fault detection. Maisch et al. teach in column 5, line 25 that a warning is generated to inform a driver of fault detection in the form of warning light 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Corio's method to include a step of generating a warning to inform a driver of fault detection as taught by Maisch so that correction or maintenance can be performed on the vehicle to correct the fault. Corio further lacks the speed being limited by an intervention of at least one of engine management and transmission

management. Weiberle et al. teach the concept of limiting the speed by an intervention of engine management, in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle. It would have been further obvious to one of ordinary skill in the art at the time the invention was made to have further modified Corio's method to include the step of limiting the speed by an intervention of engine management, as taught by Weiberle in column 6, lines 14-18, in order to ensure the safety of the passengers of the vehicle.

Response to Arguments

9. Applicant's arguments filed 7/26/04 have been fully considered but they are not persuasive. For claims 2 and 5, Applicant argues that Kondo does not disclose "when the fault occurs in one of an accumulator circuit, a pump circuit, and the first power circuit...". Since the claim language is in an alternative form, Kondo meets the claimed "when the fault occurs in the first power circuit", as disclosed as an electrical failure in column 1, lines 56, 57. The amendments to claims 1, 4, 9 and 10 have overcome the previous rejections. A new ground of rejections are presented above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Patent Examiner
Art Unit 3683

Lan Nguyen
11/24/04